IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

CWP No.16542 of 2005
DATE OF DECISION: 29-01-2007

Shamim Ahmad son of late Shri Ibrahim, resident ofVillage Khond Basai, PO Rayassan, Tehsil Nuh, District Gurgaon.

.....Petitioner

VERSUS

1.The State of Haryana through the Special Secretary to Government, Haryana, Department of Cooperation, Haryana Civil Secretariat, Chandigarh.

2.The Registrar, Cooperative Societies, Haryana, Sector 17, Chandigarh.

3.The Faridabad Central Cooperative Bank Limited, Faridabad, through its Board of Directors-Chairman.

4.The Managing Director, The Faridabad Central Cooperative Bank Limited, Faridabad.

5.The Branch Manager, The Faridabad Central Cooperative Bank Limited, Palwal Branch, Palwal.

6.Shri Shiv Kumar, Clerk, The Faridabad Central Cooperative Bank Limited, Palwal Branch, District Faridabad.

.....Respondents

CORAM:- HON'BLE MR.JUSTICE ASHUTOSH MOHUNTA
HON'BLE MR.JUSTICE R S MADAN

PRESENT: Mrs.Daya Chaudhary, Advocate
for the petitioner.

Dr.Anmol Rattan Sidhu, Additional Advocate General, Haryana with
Mr.Deepak Jindal, Assistant Advocate General, Haryana.

Mr.Ramesh Goyat, Advocate
for respondents No.3 to 5.

Mr.Amardeep Hooda, Advocate
for respondent No.6.

R S MADAN, J.

The petitioner herein has impugned order dated 15-3-1999 (Annexure P5) passed by respondent-Bank vide which the petitioner was dismissed from services of the Bank as well as the order dated 31-7-2001 (Annexure P7) and 16-12-2002 (Annexure P9) vide which the appeal and the revision filed by the petitioner against the order (Annexure P5) was also dismissed by respondents No.1 and 2 respectively.

The brief facts of the case are that the petitioner joined the service as Peon-cum-Chowkidar on 29-6-1996 with the respondent-Bank. He was transferred to Palwal branch of the respondent-Bank to perform the duties of a Chowkidar. On 18-11-1997, by filling the withdrawal form and making entry in the Bank register, the petitioner withdrew an amount of Rs.20,000/- from the account of Rattan Singh bearing Account No.5308 with the Palwal Branch of the Bank. Similarly, on 27-11-1997, the petitioner again filled the withdrawal form and tried to withdrew a sum of Rs.23,000/- from account No.5309 belonging to one Babu Lal. Thereafter, he went to the Branch Manager (respondent No.5) for getting the forged withdrawal form sanctioned, who enquired from the petitioner about the account holder-Babu Lal. When the petitioner failed to give a satisfactory reply then respondent No.5 contemplated disciplinary proceedings against the petitioner. In this way, petitioner had prepared the false and forged voucher and withdrew the amount of Rs.20,000/- from the

account of aforesaid Rattan Singh and tried to withdrew an amount of Rs.23,000/- from the account of Sh.Babu Lal maintained with the Bank.

The petitioner was charge-sheeted. An enquiry was conducted. The evidence of witnesses was recorded in the presence of the petitioner but he did not cross-examine any of the witnesses. A show cause notice was issued to him as to why he should not be dismissed from services. He filed reply to the show cause notice wherein he had levelled allegations against respondent No.6-Shiv Kumar, Clerk that he mis-guided him and taught him the procedure to be followed in the Bank transactions. After considering the reply to the show cause notice, a meeting of the Board of Directors of the Bank was held on 8-2-1999 and the case of the petitioner was rejected and the order of punishment of dismissal of the petitioner from service of the Bank was passed.

Aggrieved by the aforesaid order, the petitioner filed an appeal before the Competent Authority which too was dismissed vide Annexure P7. A revision was also filed and that too met with the same fate.

The petitioner has now challenged that he is an innocent person and by taking advantage of his illiteracy, respondent No.6-Shiv Kumar, Clerk induced him to fill the withdrawal form and withdrew the amount from the account of Rattan Singh.

He thus prayed that impugned order of dismissal be declared null and void because the same is not incommensurate with offence committed by him.

Upon notice, the respondents resisted the claim of the petitioner by filing two sets of written statements and placed on record (Annexure R3/1) the copy of the statement of the petitioner made before the

Enquiry Officer, wherein he had admitted that he had prepared a bogus withdrawal form amounting to Rs.23,000/- for the Account No.5309 of Shri Babu Lal and had sent it before the Branch Manager for acceptance but the Branch Manager did not accept it for some reason and on 17-11-1997, he prepared second bogus withdrawal form amounting to Rs.20,000/- for Account No.5308 of Shri Rattan Singh. The petitioner had also admitted that he had prepared the bogus withdrawal forms on his own and not on the asking of anybody.

The petitioner had accepted the charges mentioned in the charge-sheet so faced with the admission of the petitioner as well as that he had not cross-examined any of the witnesses, the Enquiry Officer was left with no option but to record the findings of charges having been proved against the petitioner. He has been rightly punished by the competent Authorities and his appeal and revision have rightly been dismissed.

We do not find any infirmity in the order of dismissal passed against the petitioner. There is no merit in the present Civil Writ Petition and the same is accordingly dismissed.

(R S MADAN)
JUDGE

(ASHUTOSH MOHUNTA)
JUDGE

January 29, 2007
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